

# The Gazette of India

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GOVERNMENT OF INDIA

DEPARTMENT OF INDUSTRIES AND SUPPLIES

NOTIFICATION

NEWSPRINT CONTROL

New Delhi, the 3rd April 1947

**No. N-3(1)O/47.**—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and in supersession of the Newsprint Control Order, 1947, the Central Government is pleased to make the following Order, namely:—

## THE NEWS PRINT CONTROL (No. 2) ORDER, 1947

1. (a) This Order may be called the Newsprint Control (No. 2) Order, 1947.

(b) It extends to the whole of British India.

(c) It shall come into force at once.

2. **Definitions.**—In this Order,

(a) "Form" means a Form appended to this Order;

(b) "newsprint" means white printing paper, in reels or in sheets, the fibre content of which comprises not less than 70 per cent of mechanical wood pulp, and which weighs not less than 40 grammes per square metre;

(c) "newspaper" means any periodical publication printed on newsprint, appearing at regular intervals of not more than one month, but excludes any supplement or annual edition of a newspaper or a poster;

(d) "daily newspaper" means a newspaper which is published on not less than 5 days in a week;

(e) "week" means a period of seven consecutive days beginning on a Monday;

(f) "Schedule" means a Schedule to this Order.

3. **Restriction on sale, purchase and use of newsprint.**—(1) No person shall sell newsprint to any one who is not the proprietor of a newspaper except under an Open General Permit issued by the Central Government, or under a permit in Form I granted by the Central Government, or by an Officer authorised by the Central Government in this behalf.

(2) No proprietor of a newspaper, or of a newspaper press, shall use newsprint for any purpose other than the printing of newspapers except under an Open General Permit issued by the Central Government, or under a permit in Form II granted by the Central Government, or by an officer authorised by the Central Government in this behalf.

(3) No proprietor of a newspaper using newsprint shall use in the printing of the newspaper any kind of paper other than newsprint except with the permission in writing of the Central Government.

(4) No person shall use newsprint for any purpose other than the printing of a newspaper save with the permission in writing of the Central Government, unless it is waste newsprint produced in the employment of a machine using newsprint.

(5) No person who is not the proprietor of a newspaper shall buy newsprint except under a permit in Form I and no such person shall use any newsprint bought by him under such permit for any purpose other than that mentioned in the permit.

**4. Submission of returns by importers of newsprint.**—Every person who imports or otherwise acquires newsprint from outside India shall within ten days of such import or acquisition send an intimation in writing to the Newsprint Officer, Simla, giving full details as to the quantity of newsprint so imported or acquired, the source from which it was so imported or acquired and the c.i.f. value per lb. of the newsprint and the name of the steamer by which the goods arrived.

**5. Submission of returns by persons to whom newsprint is sold under Form I.**—Every person to whom a quantity of newsprint has been sold under a permit in Form I shall on or before the 7th day of every month commencing from the date of purchase submit to the Newsprint Officer, Simla, a true return in Form III of the newsprint in his possession till the quantity is exhausted.

**6. Submission of returns by proprietors of newspapers.**—Every proprietor of a newspaper shall submit to the Newsprint Officer, Simla, on or before the 7th day of every month a true return in Form IV of the amounts of newsprint held, acquired, consumed and otherwise disposed of by him during the preceding calendar month.

**7. Submission of return by other persons.**—Every person other than the proprietor of a newspaper press or of a newspaper carrying on any undertaking which involves the sale, storage or distribution of newsprint, shall, on or before the 7th day of every month submit to the Newsprint Officer, Simla—

(a) a true return in Form V of sales of newsprint effected by him during the preceding calendar month,

(b) a true return in Form VI of the stocks of newsprint held, acquired and disposed of by him during the preceding calendar month.

8. No person shall publish a newspaper any page of which, including margins and other spaces clear of print, exceeds 482 square inches in area.

9. No person shall print, make or publish any newspaper of a type specified in the first column of the Schedule appended to this Order, in which the percentage of space used or assigned for advertising matter (including any loose advertising matter which may be inserted therein) exceeds the percentage specified opposite that description in the second column of that Schedule of the total space used or assigned for matter of any sort in the aggregate of the number of consecutive issues so specified in the third column of that Schedule.

10. (1) For the purposes of this clause "standard-sized daily newspaper" means a newspaper the area of a page of which including margins and other spaces clear of print is not less than 336 square inches.

(2) Where the page of a newspaper varies in size from time to time, the area of the page of the newspaper for the purposes of this clause shall be the area of the largest page.

(3) The total number of pages in the issues of a standard-sized daily newspaper during any one week shall not exceed 70 where the newspaper is published on seven days of the week or 60 where it is published on six days of the week, and the total number of pages in the issues of any other newspaper during

one week shall not exceed a number which, in the case of a newspaper published on seven days of the week, bears to 70, or, in the case of a newspaper published on six days of the week, bears to 60, the same proportion as the area of the page of such other newspaper bears to 386 square inches:

Provided that the total number of pages in the issues of any newspaper during a week may, if prior intimation of the intention to exceed such limits is sent by registered post by the newspaper to the Newsprint Officer, exceed these limits, but shall not exceed the average number of pages in issues of that newspaper published in each week during 1946, or in January 1947, whichever is more.

11. The maximum price for a standard-sized daily newspaper publishing 48 pages or more in a six-day week or 56 pages or more in a seven-day week shall be three annas per copy and the minimum two annas per copy, and the maximum and minimum prices for any other daily newspaper shall bear the same proportion to three annas and two annas, respectively, as the total page area of such newspaper per week bears to  $836 \times 48$  square inches or  $836 \times 56$  square inches accordingly as the newspaper is published on six days in a week or 7 days in a week.

12. The Central Government may, in any special case, authorise in writing the doing of any act which would otherwise be prohibited by this Order.

#### **FORM I**

##### THE NEWSPRINT CONTROL (No. 2) ORDER, 1947

[*Clause 3(1) and 3(5)*]

*Permit to sell newsprint*

(Free of all fee)

is/are hereby authorised to sell the undernoted quantity of newsprint to the undernoted persons for the purpose mentioned against each item:—

Description	Quantity	Purchaser	Purpose	Remarks

2. This permit is granted subject to the provisions of the Newsprint Control (No. 2) Order, 1947.

SIMLA;

Dated the 194

Newsprint Officer.

**FORM II**

## THE NEWSPRINT CONTROL (No. 2) ORDER, 1947

[Clause 8(2)]

*Permit to use newsprint for purposes other than the printing of newspapers  
(Free of all fee)*

is/are hereby authorised to use the undernoted newsprint for the undernoted purposes:—

Description	Quantity	Purposes for which intended	Remarks

2. This permit is granted subject to the provisions of the Newsprint Control (No. 2) Order, 1947.

*Newsprint Officer.*

Dated 194

**FORM III**

## THE NEWSPRINT CONTROL (No. 2) ORDER, 1947.

[Clauses 3(1) and 5]

Return of stocks of newsprint for the month of

194 .

Name

Full address

I/We declare that the following is a true account of the stocks of newsprint held, acquired and used by me/us during the month of 194 .

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No. of reams	Weight in tons
1. Amount of stock in hand at the end of last preceding month.				
2. Amount of stock acquired during the month.				
3. Total of items 1 and 2 . . . .				
4. Amount of stocks used during the month				
5. Amount under item 3 less amount under item 4, being the amount in stock at end of the month.				

Dated

194 .

*Signature.*

**FORM IV****THE NEWSPRINT CONTROL (No. 2) ORDER, 1947**  
*(Clause 6)*

Return of consumption of newsprint for the month of 194  
Name of the newspaper press or newspaper

Full address

I/We declare that the following is a true account of the stock of newsprint held, acquired, consumed and otherwise disposed of by me/us during the month of 194.

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No. of reams	Weight in tons
1. Amount of stock in hand at the end of the last preceding month—				
2. Amount of stock acquired during the month from—				
3. Total of items 1 & 2				
4. Amount of stock consumed during the month in the production of newspaper				
5. Amount of stock otherwise disposed of during the month— To (a)—				
6. Total of items 4 & 5				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month.				

N.B.—(a) Here enter names of persons or proprietors of newspaper presses or newspapers.

Signature.

Dated

194

**FORM V****THE NEWSPRINT CONTROL (No. 2) ORDER 1947**  
*[Clause 7(a)]*

Return of sales of newsprint for the month of 194

Name

Full Address

I/We declare that the following is a true account of the sales of newsprint effected by me/us during the month of 194.

Number and date of Permit if any	Quantity in reels		Quantity in sheets		Price per lb. Rs. A. P.
	Number of reels	Weight, Tons. Cwts. Qrs. Lbs.	Number of reams	Weight Tons. Cwts. Qrs. Lbs.	

Signature.

Dated

194

**FORM VI****THE NEWSPRINT CONTROL (No. 2) ORDER, 1947**

(Clause 7(b))

Return of stocks of newsprint for the month of 194

Name

Full address

I/We declare that the following is a true account of the stocks of newsprint held, acquired and disposed of by me/us during the month of 194.

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No. of reams	Weight in tons
1. Amount of stock in hand at the last preceding month.				
2. Amount of stock acquired during the month from				
3. Total of items 1 & 2				
4. Amount of stocks disposed of during the month				
5. Amount under item 3 less amount under item 4, being the amount in stock at the end of the month.				

**Date****194****Signature.****SCHEDULE**

(See Clause 9)

Column I  Type of newspaper	Column II  Maximum percentage of total space to be reserved or assigned for advertisement matters	Column III  No. of consecutive issues for which such percentage is to be assigned
Daily newspaper . . . . .	Per cent 45	14
Weekly, bi-weekly or tri-weekly newspaper . . .	50	24
Tri-monthly or fort-nightly newspaper . . .	50	12
Any other newspaper . . . .	45	each issue

OPEN GENERAL PERMIT  
New Delhi, the 3rd April 1947

No. N-3(1)O/47.—In pursuance of sub-clauses (1) and (2) of clause 3 of the Newsprint Control (No. 2) Order, 1947, the Central Government hereby gives general permission to any proprietor of a newspaper or to any other person who employs machines using newsprint in reels or machines using newsprint in flat reams:—

(a) for the purpose of printing newspapers, or

(b) in accordance with a permit in Form II appended to the Newsprint Control Order (No. 2), 1947, for the purpose of printing on newsprint otherwise than in the production of newspapers, to sell to any person or to use for any purpose newsprint in the form of reel ends and clippings, being waste newsprint produced in the employment of a machine using newsprint in reels or a machine using newsprint in flat reams for the above mentioned purposes, subject to the following conditions:—

(i) that the total amount of newsprint sold or used in accordance with this general permission by any person during any calendar month shall not exceed five per cent. of the amount of newsprint used by that person in the case of machines using newsprint in reels and one and a half per cent. in the case of machines using newsprint in reams, for the above mentioned purposes during the preceding calendar month.

(ii) that waste newsprint covered by this general permission which can be cut into sheets suitable for any newspaper printing shall not be used for any purpose other than the printing of newspapers.

(iii) that waste newsprint covered by this general permission shall not be used for printing books except with the permission in writing of the Central Government.

J. D. KAPADIA, Dy. Secy.

DEPARTMENT OF LABOUR

NOTIFICATION

New Delhi, the 3rd April 1947

No. LR.1(4).—The following draft of certain rules which the Central Government propose to make in exercise of the powers conferred by section 88 of the Industrial Disputes Act, 1947 (XIV of 1947), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 30th April 1947.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

*Preliminary*

1. **Title and application.**—(1) These rules may be called the Industrial Disputes (Central) Rules, 1947.

(2) They extend to all Chief Commissioners' Provinces and shall also apply in relation to all industries, businesses and undertakings carried on by or under the authority of the Central Government, by the Federal Railway Authority, or by a railway company operating a Federal Railway and to major ports, mines and oilfields, throughout British India.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Industrial Disputes Act, 1947;

- (b) "section" means a section of the Act;
- (c) "Forms" means a form in the schedule to these rules;
- (d) "Chairman" means the chairman of a Board, Court or Tribunal or, if the Court or Tribunal consists of one person only, such person;
- (e) "Committee" means a Works Committee constituted under sub-section (1) of section 8 of the Act;

## PART I

### Procedure for reference of industrial disputes to Boards of Conciliation, Courts of Inquiry or Industrial Tribunals

**3. Application.**—An application for the reference of an industrial dispute to a Board, Court or Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government of India in the Department of Labour. The application shall be accompanied by a statement setting forth—

- (a) the parties to the dispute;
- (b) the specific matters in dispute;
- (c) an estimate of the number of workmen affected or likely to be affected by the dispute;
- (d) the efforts made by the parties themselves to adjust the dispute;

**4. Attestation of Application.**—The application and the statement accompanying it shall be signed:

(a) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation;

(b) in the case of workmen, either by the President, Secretary and other Officers of a registered Trade Union of the workmen or by five representatives of the workmen duly authorised in this behalf at a meeting of a majority of the workmen held for the purpose.

**5. Notification of appointment of Court, Board or Tribunal.**—The appointment of a Board, Court or Tribunal together with the names of persons constituting the Board, Court or Tribunal shall be notified in the official Gazette.

**6. Notice to parties to nominate representatives.**—(1) If the Central Government proposes to appoint a Board, it shall send a notice in form B to the parties requiring them to nominate persons to represent them on the Board, and the time to be allowed for making nominations shall not be more than seven days from the date of the service of the notice.

(2) The notice shall—

(i) in the case of an employer, be sent to the employer himself, or when the employer is an incorporated company or other body corporate, to the agent, manager or other principal officer of the Corporation;

(ii) (a) in the case of workmen—who are members of registered trade union, be sent to the President or Secretary of the trade unions; and

(b) in the case of workmen any or all of whom are not members of a registered trade union, be sent to any one of the workmen who have attested the application made under rule 8; and in this case a copy shall also be sent to the employer who shall display copies thereof on a notice board in a conspicuous manner at the main entrance of the workplace and at places frequented by the workmen.

**PART II.****Powers, procedure and duties of conciliation officers, Boards, Courts and Tribunals.**

**7. Conciliation proceedings.**—On receipt of information about an existing or apprehended industrial dispute or, where the dispute relates to a public utility service, on receipt of a notice of strike or of lockout given under rule 51 or rule 52, the conciliation officer shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

**8. The conciliation officer may meet the representatives of each party either together or separately.**

**9. The Conciliation officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.**

**10. Place and time of hearing.**—The sittings of a Board, Court or Tribunal shall be held at such times and places as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board, Court or Tribunal shall sit in the locality within which the subject matter of the proceedings before it arose.

**11. Quorum for Boards and Courts.**—The quorum necessary to constitute a sitting of a Board or Court shall be as follows:—

	Quorum
(i) In the case of a Board—	
where the number of members is 3 . . . . .	2
where the number of members is 5 . . . . .	3
(ii) In the case of a Court—	
where the number of members is 1 or 2 . . . . .	1
where the number of members is more than 2 but less than 5 . . . . .	2
where the number of members is 5 or more . . . . .	3

**12. Casual vacancy in Tribunal.**—Where a Tribunal consists of two or more members, the Tribunal may, with the consent of the parties, act notwithstanding any casual vacancy in its number and no act, proceeding or determination of the Tribunal, shall be called in question or invalidated by reason of any such vacancy.

**13. Administration of oath.**—Any member of a Board, court or Tribunal may administer an oath.

**14. Evidence.**—A Board, Court or Tribunal may accept, admit or call for any evidence at any stage and in any manner which it thinks fit.

**15. Summons.**—A summons issued by a Board, Court or Tribunal shall be in Form 'C' and may require any person to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Board, Court or Tribunal which the Board, Court or Tribunal thinks necessary for the purpose of such investigation or adjudication.

**16. Service of Summons or notice.**—Any notice, summons, process or order issued by a Board, Court or Tribunal may be served either personally or by registered post.

**17. Procedure at the first sitting.**—At the first sitting of a Board, Court, or Tribunal the Chairman shall call upon the parties in such order as he may think fit to state their case.

18. **Information to be kept confidential.**—All books, papers and other documents or things produced before a Board, Court or Tribunal whether voluntarily or in pursuance of a summons may be inspected by the Board, Court or Tribunal and also by such parties as the Board, Court or Tribunal allows; but the information obtained therefrom shall not, except as provided in the Act, be made public; and such parts of the books, papers, documents or things as in the opinion of the Board, Court or Tribunal do not relate to the matters at issue may be sealed up.

19. **Board, Court or Tribunal may proceed ex parte.**—If without good cause shown, any party to proceedings before a Board, Court or Tribunal fails to attend or to be represented, the Board, Court or Tribunal may proceed as if he had duly attended or had been represented.

20. **Power of entry and inspection.**—A Board, Court, or Tribunal or any member thereof or any other person authorised in writing by a Board, Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court or Tribunal under the Act, at any time between the hours of sunrise and sunset, enter any building, factory workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the investigation, enquiry or adjudication.

21. **Power of Boards, Courts and Tribunals.**—In addition to the powers conferred by sub-section (8) of section 11 of the Act, Boards, Courts and Tribunals shall have the powers vested in Courts under the Code of Civil Procedure 1908, when trying a suit in respect of the following matters:—

- (a) discovery and inspection,
- (b) granting adjournment,
- (c) reception of evidence taken on affidavit; and the Board, Court or Tribunal may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

22. **Decision by majority.**—All questions arising for decision at any meeting of a Board, Court or Tribunal, save where the Court or Tribunal consists of one person, shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

23. **Correction of errors.**—The Tribunal may correct any clerical mistake or error arising from an accidental slip or omission in any award it issues.

24. **Right of representatives.**—The representatives of the parties, appearing before a Board, Court or Tribunal, shall have the right of examination, cross-examination and re-examination and of addressing the Board, Court or Tribunal when all evidence has been called.

25. **Proceedings before a Board.**—The proceedings before a Board shall be held in public:

Provided that the Board may at any stage direct that any particular witness be examined or its proceedings be held *aera*.

### PART III.

#### Remuneration of members of Boards, Courts and Tribunals, assessors and witnesses and establishment

26. **Travelling allowance.**—A member of a Board, Court, or Tribunal, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at

the rates admissible and subject to the conditions applicable, to a Government servant of the first grade under the supplementary Rules issued by the Central Government.

**27. Fees.**—The Chairman and members of a Board, Court or Tribunal and the assessors appointed to assist a Court or Tribunal shall be granted such fees as may be sanctioned by the Central Government in each case.

**28. Expenses of witnesses.**—Every person who is summoned, and duly attends as witness before a Board, Court or Tribunal shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the province where the investigation, enquiry or adjudication is being conducted.

**29. Establishment.**—The Central Government may appoint such persons to be the Secretary and clerks of the Board, Court or Tribunal as it may think necessary and may fix the salaries and allowances payable to them.

#### **PART IV. Representation of parties.**

**30. Representation by a legal practitioner.**—Any party to a reference before a Court or Tribunal may be represented by a legal practitioner, with the permission of the Court, or Tribunal as the case may be and subject to such conditions or restrictions as the Court or Tribunal may impose.

**31. Parties bound by acts of representatives.**—Every party appearing by a representative shall be bound by the acts of such representative.

#### **PART V. Works Committees.**

**32. Constitution.**—Any employer to whom an order made under sub-section (1) of section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part.

The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in and to the sections, shops or departments of the establishment;

Provided that the total number of the members shall not exceed twenty.

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

**34. Representatives of employer.**—Subject to the provisions of these rules the representatives of the employer shall be nominated by the employer and shall, as far as possible, be officials in direct touch or associated with the working of the establishment.

**35. Consultation with trade unions.**—Where the workmen of an establishment are members of a registered trade union or unions, the employer shall ask the union or unions to submit information regarding the total membership from amongst the workmen of the establishment as also the membership by categories, groups, classes or departments.

**36. Groups of workmen's representatives.**—On receipt of the information called for under rule 35, the employer shall divide the number of workmen's representatives on the Committee into two groups, viz., (1) those to be elected by the members of the union or unions, and (2) those to be elected by the non-members, as far as possible, in proportion to the membership of the union or unions as compared to the total number of workmen in the establishment.

Provided that where more than fifty per cent. of the workmen are members of a union or unions, no such division shall be necessary.

**37. Representatives of workmen.**—(1) **Eligibility for membership:** Any adult workman of not less than 19 years of age and with a service of not less than one year in the establishment shall be eligible for election as a representative of the workmen on the Committee:

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

(2) **Eligibility for voting:** All adult workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than 6 months' service in the establishment shall be entitled to vote in the election of the representatives of workmen.

38. **Procedure of election.**—(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the committee.

(2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the union or unions, if any. Such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the union or unions and by the non-members.

(4) A copy of such notice shall be sent to the union or unions, if any.

39. **Nomination of candidates for election.**—“(1) Every nomination shall be made on nomination paper in form ‘H’, copies of which shall be supplied by the employer to the workmen requiring them”.

(2) Every nomination paper shall be signed by the candidate and attested by at least two other voters belonging to the electoral constituency and shall be delivered to the employer.

40. **Electoral constituencies.**—(1) Where the workmen's representatives are divided into two groups under rule 36, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of such union or unions, and the second of the rest.

(2) For the purpose of election, the workmen entitled to vote may also be sub-divided by the employer into electoral constituencies by classification into groups of workmen or into sections, shops, departments or combinations thereof.

41. **Scrutiny of nomination papers.**—(1) On the day following the last day fixed for filing the nomination papers, the nomination papers shall be scrutinised by the employer in presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under rule 37 or (b) the requirement of rule 39 have not been complied with.

42. **Voting in election.**—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer and the nominees of the union, if any, from among the workmen.

43. **Arrangements for election.**—The employer shall be responsible for the conduct of election and shall do all things incidental thereto.

44. **Officers of the Committee.**—(1) The Committee shall have office-bearers including one Chairman, one Vice-chairman and two Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee.

(8) The Vice-Chairman shall be elected by the Committee from amongst the workmen's representatives on the Committee.

(4) The Committee shall elect two joint Secretaries, one from the employer's representatives and the other from the workmen's representatives.

**45. Term of office.**—(1) The term of office of a workmen's representative on the Committee other than a member chosen to fill a casual vacancy shall be six years; but upon the first constitution of the Committee the term of office of such members shall be curtailed to two years or four years for securing that as early as may be possible 1/3rd of the workmen's representatives shall retire every 2nd year thereafter. The members whose term of office shall so retire shall be decided by a ballot drawn for that purpose.

(2) A member chosen to fill a casual vacancy shall serve for the unexpired portion of his predecessor's term of office.

**46. Vacancies.**—In the event of a workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Committee his successor shall be elected from the constituency to which the member vacating the seat belonged.

**47. Power to co-opt.**—The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

48. The Committee may meet as often as convenient, but not less than once a month, either during or outside office hours.

**49. Facilities for meetings etc.**—Accommodation for holding meetings of the Committee shall be provided by the employer. The employer shall provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee.

#### PART VI.

##### Miscellaneous.

50. The memorandum of settlement to be submitted by the Conciliation Officer shall be in Form D.

51. (1) The notice of strike to be given by employees in a public utility service shall be in Form E.

(2) On receipt of a notice of strike under sub-rule (1) the employer shall forthwith intimate the fact to the appropriate Conciliation Officer. A list of Conciliation Officers with their headquarters is given below:—

Designation.	Headquarters	Province in which they have Jurisdiction
1. Conciliation Officer (Central)	Calcutta.	Bengal.
2. Conciliation Officer (Central)	Dhanbad.	Bihar.
3. Conciliation Officer (Central)	Gauhati.	Assam.
4. Conciliation Officer (Central)	Asansol.	Bengal.
5. Conciliation Officer (Central)	Cawnpore.	U. P.
6. Conciliation Officer (Central)	Lahore.	Punjab, N.W.F.P., Sindh and Baluchistan.
7. Conciliation Officer (Central)	New Delhi.	Delhi and Ajmer Mer-wara.
8. Conciliation Officer (Central)	Bombay.	Bombay.
9. Conciliation Officer (Central)	Nagpur (at present Jubbulpore)	C. P. & Berar.
10. Conciliation Officer (Central)	Madras.	Madras, Orissa and Coorg.
11. Conciliation Officer (Central)	Poona.	Bombay.
12. Conciliation Officer (Central)	Trichinopoly.	Madras, Orissa and Coorg.

52. The notice of lockout to be given by an employer carrying on a public utility service shall be in Form F.

58. The report of a lockout or strike in a public utility service to be submitted by the employer under sub-section (3) of section 22, shall be in Form G.

54. The report of notice of a strike or lockout to be submitted by the employer under sub-section (6) of section 22, shall be given by registered post or by hand to the conciliation officer (Central) appointed for the local area concerned, with a copy by registered post to:—

(1) the Administrative Department of the Government of India concerned,  
 (2) the Regional Labour Commissioner (Central) for the Zone, (3) Chief Labour Commissioner (Central), (4) Labour Department of the Government of India, and (5) the District Magistrate. ....

**55. Penalties.**—Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

#### SCHEDULE

##### FORM A.

(See rule 8)

Form of application under sub-section (2) or section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a  
Board of Conciliation  
Court of Enquiry  
Industrial Tribunal

Whereas an industrial dispute is apprehended between  
exists  
 and and it is expedient that the matters specified in the  
enclosed statement which are connected with or relevant to the dispute should be

Investigation and settlement a Board of Conciliation  
referred for enquiry by an Court of Enquiry an applica-  
adjudication Industrial Tribunal  
 tion is hereby made under sub-section 2 of section (10) of the Industrial Disputes Act, 1947 that the said matters should be referred to a  
Board of Conciliation  
Court of Enquiry  
Industrial Tribunal.

This application is made by the undersigned who have been duly authorised to make this application by \*

\*where an application is made on behalf of the employees, state the manner in which the authority was given.

A statement of the nature of the dispute and of the issues which the  
signatory desired to be referred to the Board  
signatories Court is enclosed.  
Tribunal

Dated the

19

Signature of

Applicant(s)

To

The Secretary to the Govt. of India,  
 Labour Department.

## FORM B.

(See rule 6)..

Whereas an industrial dispute has arisen between  
is apprehended

and                          and it is expedient to refer the said dispute under section 10 of the Industrial Disputes Act, 1947 to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the

                         the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified above, the Central Government will select and appoint such person (persons) as it thinks fit to represent you.

Secretary to the Government of India.

## FORM C.

(See rule 15).

Whereas an industrial dispute between                          and                          has been referred to this Board of Conciliation for investigation and settlement Board of Enquiry for investigation Industrial Tribunal for adjudication under

section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before this Board Court Tribunal in person on the

day of                          at                          O'Clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any

way relating to the matter under investigation by this Board Court Tribunal

Dated

Secretary, Board of Conciliation  
Court of Enquiry  
Industrial Tribunal

## FORM D.

(See rule 50).

(Form of Memorandum of Settlement)

Name of parties.

Representing employer

Representing employees

Short recital of case.

Terms of agreement.

Signature of Conciliation Officer  
Board of ConciliationSignature(s)  
of parties.

FORM E.

(See rule 51).

## **INDUSTRIAL DISPUTES ACT, 1947.**

**Form for notice of strike to be given by employee(s) in a public utility service.**

**Name of Union-**

Names of elected representatives of employees where no trade union exists

**Address**

To Dated the day of 19

(The name of the employer).  
Dear Sir/Sir

In accordance with the provisions contained in sub-section (1) of section 22 of the Industrial Disputes Act 1947 I hereby give you notice that I propose to  
We We propose to  
organise a strike with effect from 19 . for the reasons  
call a strike  
explained in the annexure.

Yours faithfully,

**Secretary of the Union.**

Representatives of the employees elected at a meeting held on .....

## ANNEXURE

### **Statement of the case**

Copy: to(1) Conciliation Officer (Central)  
(Here enter office address of the Conciliation Officer in the Local area concerned).

(2) Chief Labour Commissioner (Central), New Delhi.

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**FORM F**

**FORM I.**  
*(See rule 52)*

## **INDUSTRIAL DISPUTES ACT, 1947**

Form of notice of lockout to be given by an employer carrying on a public utility service.

Name of Employer \_\_\_\_\_ Address \_\_\_\_\_  
Date 1/b \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

1

(The Secretary of the Registered Union, if any)

(11)

Dear Sir,  
In accordance with the provisions of sub-section (2) of section 22 of the Industrial Disputes Act, 1947, I  
We beg to inform you that it is my  
our intention to effect a lockout with effect from the annexe for the reasons explained in

Yours faithfully  
(\*)

\*Here insert the position which the person who signs this letter holds with the employer issuing this letter.

## **ANNEXURE**

### **Statement of the case**

Copy to (1) Conciliation Officer (Central)

(Here enter office address of the Conciliation Officer in the local area concerned)-

(2) Chief Labour Commissioner (Central), New Delhi.

**FORM G**  
*Report of Strike or Lockout in a public utility service*  
(See rule 53).

Information to be supplied in this form immediately on the occurrence of a strike or lockout in a public utility service to the Conciliation Officer (Central) for the local area concerned.

Name of undertaking		Normal Working Strength		Number of workers involved		Strike or lockout		Date of commencement of strike or lockout		Was notice of strike or lockout given, if so, on what date and for what period		Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exists particulars thereof		Any other information		
1	2	3	4	5	6	7	8	9	10	11						

Note.—Column (3)—Give the average number of workmen employed during the month previous to the day on which the strike or lockout occurred while reckoning the average omit the days on which attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lockout occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4)—If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then 200 should be shown under "directly" and the remaining under "indirectly". If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

Column (8)—Give the main causes of the dispute as well as the immediate cause that led to the strike or lockout.

**FORM H.**

**Nomination Paper.**

(See rule 39).

Name of Industrial Establishment	Group/Section/Shop/Department

I nominate (Here enter the name of the  
workmen's representative  
eligible for election,  
as a candidate for election to the Works Committee.

**Signature of Proposer**  
**Date**

I agree to the proposed nomination

Signature of candidate  
Date

Attested by (1)  
(2)

} To be signed by any two voters  
belonging to the electorate  
constituency.

**M. ASLAM, Dy. Secy.**